REMARKS/ARGUMENTS

The application has been amended. Claims 1, 7, 10 and 13 have been amended. Claim 12 has been canceled. New claims 17 and 18 are presented herewith. Entry of this amendment and reconsideration is respectfully requested.

The Examiner has rejected the independent claims of the present application under 35 U.S.C. §103(a) as being unpatentable over WO 87/02996 to Mitchell in view of U.S. Patent No. 5,639,278 to Dereume et al. (hereinafter "Dereume").

The distinctions between the presently claimed invention and Mitchell have been discussed at length during prosecution. Claims 1, 7 and 13 have been amended to specifically recite that the PTFE material used to form the porous composite device has no node and fibril structure, thus, the present invention starts with a non-porous PTFE material. This is counter-distinction to what is disclosed in Mitchell.

Mitchell describes two aspects of the invention. In a first aspect of the invention, described at page 7, the first polymer network is characterized by nodes interconnected by fibrils. This polymer network can be "any polymer capable of being stretched, drawn or expanded so as to obtain a microstructure characterized by nodes interconnected by very small fibrils". In a

second aspect of the invention set forth on page 13, a first polymer network comprises polytetrafluoroethylene. The polytetrafluoroethylene materials "of this aspect of the invention are the same as described above, however, the final product is prepared by conventional extrusion techniques rather by stretching". Thus, in the only two aspects of the invention described in Mitchell, the polytetrafluoroethylene employed is identical varying only in the fact that in the second aspect, stretching is not employed. What Mitchell does not state, however, is that the second aspect has no node or fibril orientation. In fact, Mitchell suggests just the opposite.

Mitchell suggests that the second aspect is identical to its first aspect, having nodes and fibrils, but that it is created from a process other than stretching. It is noted that Mitchell describes other techniques for forming the microstructure such as expansion and drawing. Thus, as a reference to the present application, Mitchell only describes starting with a base material of polytetrafluoroethylene having a node and fibril structure. This is in complete counter-distinction of the claims of the present invention where a porous PTFE material is formed from a previously non-porous PTFE material, i.e., a material having no node and fibril structure, where the porosity of the material is established by, in preferred form, extracting siloxane from an interpreting network of siloxane and polytetrafluoroethylene.

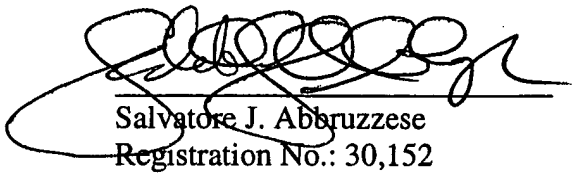
Thus, as Mitchell fails to provide for the formation of a porous PTFE structure from a structure which was previously non-porous, i.e., having no nodes and fibrils, Mitchell fails to disclose, teach or suggest the invention set forth in the present claims. The claims, therefore, are believed to be patentably distinct over Mitchell.

Additionally, the Examiner has cited the Dereume reference. Dereume is cited for its teaching of a stent held between two radially expandable grafts. As it relates to the deficiency of Mitchell, i.e., lack of a non-porous starting structure, Dereume is silent. Accordingly, Dereume fails to fill the deficiencies of Mitchell. It is therefore respectfully submitted that the claims of the present invention define patentably over the combination of Dereume and Mitchell.

Having responded in full to the present Office Action, it is respectfully submitted that the application including claims 1-11 and 13-18 is in condition for allowance. Favorable action thereon is respectfully solicited.

Should the Examiner have any questions regarding this submission, please contact undersigned counsel at the telephone number listed below.

Respectfully submitted,



Salvatore J. Abbruzzese
Registration No.: 30,152
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700